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[File No. 19002665]

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

In re:

Case # 2:20-bk-00284-EPB

Richard E. Rees and Anita Rees,

Chapter 13

Debtor,

**LIMITED OBJECTION TO  
CONFIRMATION OF THE CHAPTER 13  
PLAN By Lakeview Loan Servicing, LLC**

Lakeview Loan Servicing, LLC, ("SECURED CREDITOR"), a secured creditor in this bankruptcy case, through undersigned counsel hereby objects to the confirmation of the Chapter 13 Plan filed by the Debtor for the reasons stated below.

1. SECURED CREDITOR is the holder of a note ("the SECURED CREDITOR Note"), secured by a deed of trust recorded in the first position against certain real property, ("the Property"), generally described as 25370 W. Carson Dr., Buckeye, AZ 85326 and legally described as:

LOT 315, BLUE HILLS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 826 OF MAPS, PAGE 34 AND AN AFFIDAVIT OF CORRECT RECORDED AS 2008-1018747 OF OFFICIAL RECORDS

Copies of the Note, Deed of Trust and Assignment of Deed of Trust held by SECURED CREDITOR will be attached to the proof of claim which was filed on March 19, 2020 as Claim number 26

1           2. The plan, in its current form, is ambiguous as to the Debtor's ability to  
2 strip Secured Creditor's claim upon the completion of the plan. Specifically, the plan provides  
3 that ". . . the Plan will modify rights and duties of the Debtor and credits, except secured  
4 creditors will retain their liens **until the earlier of payment of the underlying debt or Debtor's**  
5 **discharge under Code § 1328.**" (emphasis added) (Docket No.: 13, Page 1, Para. 4). This  
6 portion of the Plan suggests that Secured Creditor's lien will be retained until such a time that a  
7 discharge is entered. However, this is contrary to treatment afforded to Secured Creditor under  
8 the code. Accordingly, Secured Creditor objects to the treatment of its lien to the extent of  
9 potentially losing its security interest.  
10

11           3. The Plan also seeks to underfund the arrearage claim. According to the  
12 Plan, the Plan seeks to pay \$4,054.00 towards the pre-petition arrears. However, the filed proof  
13 of claim indicates that the arrears are actually \$8,488.55. Secured Creditor requests that the  
14 payment towards the arrears be paid pursuant to the filed proof of claim.  
15

16           4. The amount of the post-petition payments will change over the duration of  
17 this bankruptcy proceeding due to changes in the interest rate and escrow amount impounded for  
18 taxes and insurance. Therefore, SECURED CREDITOR objects to plan to pay a fixed amount as  
19 stated in the plan for regular post-petition payments. The Debtor must pay the then-current  
20 monthly payment amount, as that amount may vary over the term of the plan.  
21

22           WHEREFORE, SECURED CREDITOR objects to confirmation of the Chapter  
23 13 Plan.  
24

25           DATED this 24th day of April, 2020  
26

27           ZBS Law, LLP  
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29           \_\_\_\_\_  
30           /s/ Joseph J. Tirello, Jr.  
31           Joseph J. Tirello, Jr., Esq.  
32           Attorney for Lakeview Loan Servicing, LLC  
33

1  
2 Original e-filed this 24th day of  
3 April, 2020 with:

4 United States Bankruptcy Court  
5 District of Arizona

6 Copy of the foregoing was mailed  
7 on the 24th day of April, 2020 to:

8 Chapter 13 Trustee:  
**RUSSELL BROWN**  
9 3838 NORTH CENTRAL AVENUE, SUITE 800  
PHOENIX, AZ 85012-1965

10 Attorney for Debtor:  
**THOMAS ADAMS MCAVITY**  
11 PHOENIX FRESH START BAKRUPTCY ATTORNEYS  
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13 Debtor:  
**RICHARD E REES**  
**ANITA REES**  
14 25370 W PARSON DR  
15 BUCKEYE, AZ 85326

16 By /s/ Joseph J. Tirello, Jr.